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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,304	09/29/2000	Neelakantan Sundaresan	AM9-99-0146	2605

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MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT PAPER NUMBER

2171

DATE MAILED: 03/05/2004

25

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,304

Applicant(s)

SUNDARESAN, NEELAKANTAN

Examiner

Haythim J. Alaubaidi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the amendment filed on December 22, 2003.
2. Claims 1-23 are presented for examination following the amendment.
3. Claims 1-23 are rejected under 35 U.S.C. 103(a)

Response to Arguments

4. Applicant's arguments with respect to claim 1-23, have been considered and found persuasive. However, upon an updated search, the Examiner found relevant prior art, which is applied below.
5. The office regrets any inconvenience this delay may have caused.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable by Joel A. Ronning (U.S. Patent Application Publication No. 2003/0212992 and Ronning hereinafter) in view of Tetsuya Yamane (U.S. Patent NO. 6,167,436 and Yamane hereinafter).

Regarding Claims 1, 3, 5-8, 10-11, 13, 15-17, 19 and 21-23 Ronning discloses:
accessing a first file on the network (Page 9, Paragraph 0104, i.e. the server sends to the agent a file information response with recommended updates)
setting an access time to access said second file (Figure No. 15, Element No. 740 and 741; see also Figure No. 19)

Ronning's reference discloses all of the claimed subject matter set forth above, except the reference does not explicitly indicate accessing time data from within the first file, nor does the reference indicate that the time data is for future updates (scheduled updates).

However Yamane's reference teaches accessing time data from within the first file¹ and wherein the time data is for a future update (Figure 2, i.e. next update prediction time).

Ronning, teaches a system that enables an agent to connect to a server to search for file updates; then the server sends to the agent or the agent downloads the file update from the server (limitation one of claim one). All this is being done based on application signatures to identify the files that require update.

Yamane, teaches a system where it predicts a future update of the data of a link or a URL (Col 5, Lines 48-50).

Given the intended broad application of the Ronning system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Ronning with the teachings of Yamane to have the agent to not

Art Unit: 2171

only download a file information response with recommended updates, but to also include future recommended updates; as the agent is already accessing the server to search for updates and the server is already comparing the file signatures to see which file needs an update. Including the feature of Yamane for the next prediction update is obvious as one would like to automate the process of having the system to set the time for the next update (Yamane) instead of manually having the user setting it (Ronning, Figure 19); another reason would be to reduce the traffic congestion by minimizing the number of times the agent have to search the server for updates in the Yamane's system.

Regarding Claims 2, 9 and 18, Ronning discloses wherein the second file is the same as the first file (Figure No. 15, Element No. 740, i.e. update).

Regarding Claims 4, 12 and 20, Ronning discloses channel definition files (Figure 17 and corresponding text²).

Regarding Claim 14, Ronning discloses accessing time is after the schedule time (Figure 19, and corresponding text).

Other Prior Art Made of Record

8. Mourad et al. (U.S. Patent Application Publication No. 2003/0135464) discloses a digital content distribution using web broadcasting services.

¹ Please note that the Examiner is interpreting the "file" and the "table" of Figure No. 2 to be the same, as they both are storage units; also because a table can be sent as a file attachment (please see the meaning of "file" in the Microsoft Computer Dictionary, Fifth Edition).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Points of Contact

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.


Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Haythim J. Alaubaidi

Patent Examiner
Technology Center 2100
March 2, 2004


SAFET METJAHIC
SUPERVISOR, EXAMINER
TECHNOLOGY CENTER 2100

² Please note that according to the specification of pages 1-2 of the current application, a CDF is a file that contains tags, like for example last modified (Fig 17, Element 772), schedule (Fig 17, Element 756; see also Fig 19) and channel item (Fig 17, Element 766, i.e. Product Name).